

UNITED STATES DISTRICT COURT
for the
Western District of Texas

United States of America)
v.)
) Case No. 7:22-MJ-269
Arturo Cervantes URIAS Jr.)
)
)

FILED
September 21, 2022
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 9, 2022 in the county of Midland, Texas in the
Western District of Texas, the defendant(s) violated:

Code Section

Offense Description

This criminal complaint is based on these facts:

See attached

Continued on the attached sheet.

Attested to by applicant pursuant to Rule 4.1 of Fed. R. Crim. P. by phone & email.

Sworn to before me and signed in my presence.

Date: 09/21/2022

City and state: Midland, Texas

/s/ James Dolan
Complainant's signature

ATF TFO James Dolan
Printed name and title

U.S. Magistrate Judge Ronald Griffin
Printed name and title

AFFIDAVIT

7:22-MJ-269

I, James Dolan, a Detective with the Midland Texas Police Department, currently assigned to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) as a Task Force Officer (TFO) on Midland Odessa Violent Crimes Task Force, being duly sworn state:

1. I have successfully completed extensive training emphasizing narcotics investigation and law enforcement. I have been employed by the Midland Texas Police Department as a police officer and detective for approximately 18 years and have participated in numerous narcotics investigations involving firearms violations. I have also attended courses based on investigating Narco-Terrorism and interdiction. In addition, I have operated in an undercover capacity during investigations where narcotics were purchased.
2. I am familiar with the facts and circumstances of this investigation as a result of my personal participation in the investigation referred to in this affidavit and information summarized in reports I have reviewed. I have compiled information derived from numerous discussions with experienced law enforcement officers, and detectives of the Midland Police Department. Since this complaint is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known by me in the investigation. More specifically, I have set forth only pertinent facts that I believe are necessary to establish probable cause. Based on the facts cited in the body of this affidavit, I believe that probable cause exists that **Arturo Cervantes URIAS Jr.** who having been convicted of a crime punishable by imprisonment for a term exceeding one year, namely for the felony offense Possession of Controlled Substance PG1 U/1G in the 441st District Court in Midland, Texas Cause # CR51435 on August 9, 2018 did knowingly and intentionally possess a firearm to wit: Glock 45 9mm Semi-Auto Pistol (Serial Number: BPGH591 /Austria), which had been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Sections 922(g)(1).
3. On September 10, 2022, Officer Beltran and Officer Johnson conducted a traffic stop on a white 2011 Ford Expedition bearing TX LP# LVC-1352. During the stop Officers encountered a female driver and sole occupant of the vehicle.

4. During a probable cause search of the vehicle (smell of marijuana emanating from vehicle), Officers located a Glock 45 9mm Semi-Auto Pistol (Serial Number: BPGH591 /Austria). The firearm was located in a dark brown Louis Vuitton bag with gold zippers that was lying on the back seat of the vehicle.
5. During the traffic stop the female stated that the vehicle belonged to Arturo URIAS and that the firearm also belonged to him. The female was released without incident.
6. During the investigation Detectives checked URIAS's criminal history and learned that he was a convicted felon. Based on this information Detectives setup surveillance on URIAS residence on September 19, 2022. During this time URIAS was observed leaving his residence in the 2011 Ford Expedition. Once URIAS left the residence he committed a traffic violation, and a traffic stop was conducted.
7. At this time Officer McPherson explained to URIAS that Detectives wanted to speak with him and at this time URIAS agreed to speak with Detectives. Once at the Midland Police Department URIAS was interviewed. Prior to the interview URIAS was read the *Miranda* warning, which he advised he understood.
8. During the interview URIAS was asked about the firearm. URIAS stated that the night before the gun was located in his car, he and two females were at a residence on the westside of town when he stumbled across a firearm. URIAS stated that he picked up the gun and placed it in a bag and tossed it in the corner. URIAS was asked to further describe the firearm and he stated it was black. URIAS was asked if it looked like the firearms that Detectives carried and URIAS stated "yes". It should be noted that Detectives with the Midland Police Department carry a Glock 17 or Glock 19.
9. URIAS was then asked to further describe that bag that he placed the firearm in, and he stated that he initially thought the bag was a fanny pack, however URIAS stated it was bigger than a fanny pack. URIAS stated that it was also dark brown dark brown and had gold zippers. The bag that was located in URIAS vehicle with the gun was a dark brown Louis Vuitton shoulder bag with gold zippers. During the interview URIAS admitted to being a convicted felon and knowing he was not allowed to possess firearms.
10. A computerized criminal history (CCH) check was later conducted by TFO Dolan, which confirmed that URIAS was in fact a convicted felon which prohibited him from possessing firearms or ammunition.

Additionally, it was confirmed that the firearm recovered from URIAS was manufactured outside the state of Texas, therefore had traveled in interstate commerce prior to being recovered in Midland, Texas.

11. Based on my training, expertise and experience, I believe **Arturo Cervantes URIAS**, who having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess a firearm to wit: Glock 45 9mm Semi-Auto Pistol (Serial Number: BPGH591 /Austria), which had been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Sections 922(g)(1).
12. The punishment URIAS faces if convicted of the alleged charge in this complaint is a term of imprisonment not to exceed fifteen years; a three-year maximum term of supervised release, up to a \$250,000 fine, and a \$100 special assessment.
13. United States Attorney Monica Daniels is aware of this incident and has approved federal prosecution of URIAS.

/s/ James Dolan

James Dolan
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and Explosives

09/21/2022

Date

Attested to by applicant pursuant to Rule 4.1 of Fed. R. Crim. P. by phone & email.

Sworn to and subscribed before me in my presence.


Ronald C. Griffin
United States Magistrate Judge

09/21/2022

Date